

## Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. No claims have been amended, added, cancelled, or withdrawn. Thus, claims 1 and 3-30 remain pending in the application.

### Claim Rejections § 102

Claims 1, 3-5, 9-10, 17, and 20-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by published U.S. Patent No. 5,142,531 issued to Kirby (*Kirby*). The Applicant respectfully submits that claims 1, 3-5, 9-10, 17, and 20-30 are not anticipated by *Kirby* for at least the reasons set forth below.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Independent claim 1 recites:

A method comprising:

determining node ID information identifying a second node device  
of a **multi-node computer system**;

storing the node ID information identifying the second node device on a storage device located on a first node device of the multi-node computer system;

retrieving, from a storage device of the second node device, node ID information identifying a third node device;

wherein the first node device is connected to the second node device, the third node device is connected to the second node device, and the second node device includes node ID information identifying the third node device.

(Emphasis added). Thus, claim 1 recites a node ID discovery process for a multi-node computer system. The term node, as used in the instant application, refers to any of the addressable and/or discoverable components within a computer system (e.g., a scalable node controller, an I/O hub controller, etc.). Independent claim 9, 17, 20, 23, and 25 similarly recite “a multi-node computer system.”

Regarding the claim limitations directed to “a multi-node computer system,” the Office action directs the Applicant’s attention to the abstract of *Kirby* and states that “*Kirby* discloses a computer system with a plurality of nodes.” The Applicant respectfully disagrees. The abstract of *Kirby* is directed to a “**network** ... arranged to generate circuits between source nodes and destination nodes by means of datagrams.” (emphasis added). The term “network,” as used in *Kirby*, is understood to refer to a number of distributed computer systems. See, e.g., column 3, lines 20-25. The term “node,” as used in *Kirby*, appears to refer to distinct computer systems. *Kirby* does, not however, disclose “a multi-node computer system” as recited in claims 1, 9, 17, 20, 23, and 25. Thus, the Applicant respectfully submits that *Kirby* cannot anticipate independent claims 1, 9, 17, 20, 23, and 25 for at least the reason that *Kirby* does not disclose “a multi-node computer system.”

Independent claims 27 and 29 each recite, “a multi-port switch, [an] I/O hub controller, and a scalable node controller.” The Office action asserts that the nodes disclosed in *Kirby* “are equivalent” to “the claimed scalable node controller, multi-port switch, hub controller, and storage means.” The Applicant respectfully disagrees. The “nodes” disclosed in *Kirby* are merely computer systems having “local processing and memory means.” See, e.g., column 3, lines 19-24. *Kirby* does not mention a multi-port switch, [an] I/O hub controller, or a scalable node controller. Thus, the applicant respectfully submits that *Kirby* cannot anticipate claims 27 and 29 for at least the reason that *Kirby* does not disclose “a multi-port switch, [an] I/O hub controller, or a scalable node controller.”

Claims 3-5 depend from claim 1; claim 10 depends from claim 9; claims 21-22 depend from claim 20; claim 24 depends from claim 23; claim 26 depends from claim 25; claim 28 depends from claim 27; and claim 30 depends from claim 29. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claims 3-5, 10, 21-22, 24, 26, 28, and 30 are not anticipated by *Kirby*.

### Claim Rejections § 103

The Manual of Patent Examining Procedure (“MPEP”), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that a combination of references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103. As shown below, Applicants respectfully submit that the Office action does not establish a *prima facie* case of obviousness.

Claims 6-8, 11-16, and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kirby* in view of U.S. Patent No. 5,664,221 issued to Amberg, et al (*Amberg*). Claims 6-8 depend from claim 1; claims 11-16 depend from claim 9; and claims 18-19 depend from claim 17. For at least the below-stated reasons, the Applicant respectfully submits that claims 6-8, 11-16, and 18-19 are patentable over the combination of *Kirby* and *Amberg*.

To establish *prima facie* obviousness the Office action must show that there is some motivation, suggestion or teaching of the desirability of combining the references in the manner proposed by the Office action. *See In re Kotzab*, 55 USPQ2d 1313 (Fed. Cir. 2000). The motivation, suggestion, or teaching to modify the reference must be supported by particular findings of fact. Broad conclusory statements standing alone are not sufficient to establish *prima facie* obviousness. The Office action states that, "it would have obvious" to combine *Kirby* with *Amberg* without making any findings of fact supporting the motivation to combine the references. For at least the reason that the Office action does not provide particular findings of fact supporting the motivation to

combine *Kirby* with *Amberg*, the Applicant respectfully submits that a *prima facie* case of obviousness has not been established.


### Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Respectfully submitted,

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